IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Interim relief application no. 436 of 2007
In
Writ Petition No. 1650 (SS) of 2006

Bugghi Mishtri,
S/o Tota
R/o village – Dhungi Bangarah,
Patti Khas, Tehsil – Devprayag,
District – Tehri Garhwal. **…….Petitioner.**

Versus

1. State of Uttarakhand through Secretary (karmic) Uttaranchal Shashan, Dehradun.
2. Collector, Tehri Garhwal, District – Tehri Garhwal.
3. Commissioner Garhwal region Pauri, District – Pauri Garhwal.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri H.M. Raturi, learned counsel for the petitioner and Sri N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

a. Issue a writ order or direction in the nature of Mandamus commanding the respondent no. 2 to send the name of the petitioner for training of Supervisor Kanungo (Rajswa Nirishak) as per roster prepared for the promotion for reserve candidates.

b. Issue a writ order or direction in the nature of Certiorari quashing the order dated 05.12.2006 passed by respondent no. 2 (contained as Annexure No. 4) to this writ petition so far as it relates to the petitioner.

c. issue a writ, order or direction which this Hon'ble court may deem fit and proper under the circumstances of the case in favour of the petitioner.

d. award the cost of the writ petition to the petitioner.

The stand of the petitioner is that petitioner was appointed as Patwari in the year 1982 in the District Tehri Garhwal. He has completed 24 years of satisfactory service as Patwari. The petitioner was nominated for promotion to the post of Supervisor Kanungo in the list of 2005 and 2006 amongst schedule caste quota and further in the list of 2006-07 but the name of the petitioner was not sent for training to the Commissioner, Garhwal region, for approval.

In case, petitioner is having 24 years satisfactory service for being sent to training of supervisor Kanoongo and name of any person junior to the petitioner has already been sent for training of Supervisor Kanoongo and further petitioner is eligible to be sent for training in accordance to the roster prepared by State of Uttarakhand dated 31.08.2001 (annexed as Annexure no. 2 to the writ petition), District Magistrate, Tehri Garhwal shall take action in accordance with law for forwarding the name of the petitioner for training of Supervisor Kanoongo within a period of three months from the date of production of certified copy of this order.

With this direction, writ petition as well as interim relief application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 23, 2007
Sksharma